

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 3571 (Application 11297)

Charter Mining Company

ORDER REVOKING LICENSE

SOURCE: Unnamed Spring tributary to Rattlesnake Canyon

COUNTY: San Bernardino

WHEREAS:

1. The State Engineer (predecessor to the State Water Board) issued License 3571 on June 13, 1952 to C. V. McClure and L. Z. Bess (Licensees). The license authorizes the Licensees to divert 8,800 gallons per day for mining use from an Unnamed Spring tributary to Rattlesnake Canyon from February 15 to December 15 of each year. The place of use is located within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 16, T2N, R3E, SBB&M. The unnamed spring is located within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 16, T2N, R3E, SBB&M.
2. The license was assigned to C. V. McClure and Hanson and Weil Construction Company on November 8, 1954.
3. The license was reassigned as follows: (a) to Chas. V. McClure and George A. Hanson on November 14, 1960, (b) to Charles V. McClure and Estate of George A. Hanson on October 25, 1966, (c) to Charles V. McClure on February 23, 1973, (d) to Charlotte McClure on April 26, 1979, (e) to Charles Albert McClure and Georgia Lee Jenkins in April 30, 1982 and (f) to Charter Mining Company on November 14, 1986.
4. Section 1675 of the Water Code provides: "If at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, when a hearing is requested by the licensee pursuant to section 1675.1 may revoke the license and declare the water to be subject to appropriation in accordance with this part."
5. License 3571 requires that reports be filed promptly as required by the State Water Board (successor to the State Engineer). The Licensee has not returned a Report of Licensee to the Division of Water Rights (Division) since March 10, 1999.

The Division has no records to show that any water has been diverted under License 3571 since the triennial Report of Licensee for 1996, 1997, and 1998.
6. On June 8, 2006, Division staff contacted the U.S. Bureau of Land Management Mineral Use Recorder and determined that the mining claims associated with this water right are closed.

Based on the above facts, the Division concludes that:

1. Licensee has ceased to put the water granted under License 3571 to a useful or beneficial purpose.
2. Licensee has not applied the water to beneficial use for at least five consecutive years. Licensee's water right should, therefore, be revoked pursuant to Water Code section 1675. The unused water should revert to the public and be regarded as unappropriated public water pursuant to Water Code section 1675.
3. On January 24, 2007, Licensee was provided notice by certified mail of the proposed revocation, and the letter was returned as undeliverable. On February 14, 2007 the notice was sent regular mail, but the notice was returned. The notice provided the Licensee the opportunity to object to the proposed revocation and request a hearing.
4. The Licensee did not submit a request for a hearing to the Division.
5. The State Water Board has found that Licensee failed to apply the water to beneficial use under the terms and conditions of this license.

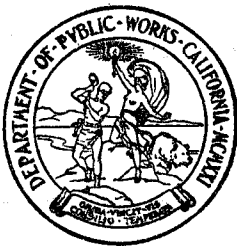
Therefore, it is ordered that License 3571 is hereby revoked by the State Water Board pursuant to Water Code section 1675, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: **JUN 05 2008**



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 11297

PERMIT 6605

LICENSE 3571

THIS IS TO CERTIFY, That C. V. McClure and L. Z. Bess
Box 16
Yucca Valley, California

have made proof as of July 26, 1951
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
an unnamed spring in San Bernardino County.

tributary to Rattlesnake Canyon thence Mojave Desert

for the purpose of mining use
under Permit 6605 of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from February 27, 1946;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed eight thousand eight hundred
(8800) gallons per day to be diverted from about February 15 to about December 15
of each year.

The point of diversion of such water is located north six hundred (600) feet and west
four thousand five hundred sixty (4560) feet from SE corner of Section 16, T 2 N,
R 3 E, SBB&M, being within $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 16.

A description of the lands or the place where such water is put to beneficial use is as follows: Within $NE\frac{1}{4}$
of $SW\frac{1}{4}$ of Section 16, T 2 N, R 3 E, SBB&M.

The water is released into Rattlesnake Canyon within the $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of
Section 15, T 2 N, R 3 E, SBB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion
herein specified and to the lands or place of use herein described.

LICENSE 3571

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO C. V. McClure and L. Z. Bess

DATED JUN 13 1952

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

- Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.
- Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).
- Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.
- Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.
- Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of the Water Code, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).
- Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.
- Section 1631. In the event that the State, or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



A. D. Edmonston, State Engineer

Witness my hand and the seal of the Department of Public Works of the State of California, this 13th day of June, 1952

10/25/54 RECEIVED NOTICE OF ASSIGNMENT TO J. J. Bess to Thomas Webb Construction Co.

12/14/60 RECEIVED NOTICE OF ASSIGNMENT TO Charles V. McClure & George A. Hanson

10-5-66 Name Chg'd to Charles V. McClure & George A. Hanson
11-27-72 Records chg'd to Thomas Webb Construction Co.
V. McClure as owner
4-26-79 Name chg'd to Estate of Charles V. McClure
4-30-82 Chg'd to Charles Albert McClure & Georgia Lee McClure
11-14-86 Chg'd to Charles McClure Mining Company